

REMARKS

Claims 1 – 71 continue to be in the case.

CONTINUED RESPONSE TO DETAILED ACTION

The Office Action refers to Claim Rejections - 35 USC § 103.

Claims 1-69,71 stand rejected under 35 U.S.C. 103(a) as being obvious over Gauselmann (WO 97/49073) in view of Walker et al. (US 6,248,016 B1). For purposes of this action, Examiner will use the patent (USPN 6,089,980), which is a translation of the PCT publication. All citations will be made with reference to locations in the US Patent.

Applicant fails to find any reason in the Office Action for the rejection of claims 14, 32, 53, 54, 60 and 62.

Applicant continues to respond to page 10 of the Office Action of May 10, 2007.

The Office Action continues on the top of page 10 to state:

Regarding claims 4,17, Gauselmann teaches initiating a network by actuating the power switch of each entertainment automat (col. 6, lines 66-67), assuming of the master function by one of the entertainment automats, wherein the master function comprises

essentially that a coordination of the entertainment automats present in the network is performed with respect to the collection of data through the counter state of the jackpot amount and the release of a common special game, which takes place at all entertainment automats present in the network at the same time, switching the second entertainment automat, present in the network to a slave function, randomly determining a symbol combination in an operational block and displaying the symbol combination in the symbol display device in case of a sufficient credit balance state, transferring an adjustable shared part amount of the game stake of each base game to a common jackpot counter, checking the counter state of the jackpot counter in a branching block following to a determination of the winning value in the base game, sending from the master a control signal to all other entertainment automats present in the network if the predetermined jackpot counter state is reached or surpassed, wherein the slave switch to the supplemental game based on the control signal after termination of the base game, monitoring in an operational block, if an okay signal was returned by all slaves, starting the supplemental game at the same time in all participating coin actuated entertainment automats (col. 7-9).

While the Office Action makes here reference to claim 4, it is suspected that instead a reference is intended to claim 14 and that it was intended to express a rejection of claim 14.

Claim 14 of the present application reads in part as follows:

“transferring an adjustable shared part amount of the game stake of each base game to a common jackpot counter;”, ”
checking the counter state of the jackpot counter in a branching block following to a determination of the winning value in the base game;”,
”sending from the master a control signal to all other entertainment automats present in the network if the predetermined jackpot counter state is reached or surpassed;”, ”wherein the slaves switch to the supplemental game based on the control signal after termination of the base game; “,
“monitoring in an operational block, if an okay signal was returned by all slaves; ”.

These steps of claim 14 are not found in columns 7 to 9 of the reference Gauselmann as alleged in the Office Action.

Claim 17 contains the following clause:

“confirming a receipt of the instruction of the start of the supplemental game to the master;”.

This requirement of claim 17 is not referred to in the Office Action nor is this requirement of claim 17 seen in columns 7 to 9 of the reference Gauselmann.

Regarding claim 16, see claims 4 and 5.

Claim 16 contains the following language:

“throwing out all up to now held cards by actuating an entry block;“, and
”performing a return from the first branching block to the second branching
block;”.

This feature is not recognized in the reference Gauselmann, in column 2, lines 31 to 37; in column 7, lines 13 to 18, in column 4 line 64 to column 5, line 5 and in columns 8 to 9.

Regarding claim 20, Gausemann and Walker teach the first entertainment automat is furnished with a first additional operating element, wherein the first additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the first operating element, and wherein the first entertainment automat includes a first separate processor and first software; wherein the second entertainment automat is furnished with a second additional operating element, wherein the second additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the second operating element, and wherein the second

entertainment automat includes a second separate processor and second software - i.e. each gaming machine is self-contained (Fig. 1, col. 4, lines 59-63).

Claim 20 recites the following features:

“wherein the first additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the first operating element,”, and ” wherein the second entertainment automat is furnished with a second additional operating element, wherein the second additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the second operating element,”..

Such first operating element and such second operating element are not found in the Gauselmann reference, column 4, lines 59 to 63.

Regarding claim 22, Gauselmann teaches that the entertainment automat performing the master function accumulates a jackpot amount as an adjustable shared part of the game stake of each base game, and wherein the entertainment automat performing the master function scans individual game results and subdivides the jackpot winning amount (col. 8, lines 20-30; col. 9, lines 1-47).

Claim 22 recites the following requirement:

“the entertainment automat performing the master function scans individual game results and subdivides the jackpot winning amount.”.

This feature is not found in the reference Gauselmann, column 8, lines 20 to 30 and column 9, lines 1 to 47.

Regarding claim 23, Gauselmann teaches a display means furnished as a central large display field (Fig. 1, [3]), wherein the display means displays the temporary jackpot value.

Claim 23 is a claim dependent on claim 19. At this point in time, applicant relies on patentability of claim 19 for the patentability of claim 23.

Regarding claim 24, Fig. 1 discloses two linked gaming machines containing the components as listed in col. 3, lines 40-59 and depicted in Fig. 2.

Claim 24 has clauses to the following features:

“a first video controller having a symbol memory storage and connected to the first symbol display device and to the first control unit; “, ”a first winning value recognition program, “, and ”a first winning plan program; ”.

These features are not found in the reference Gauselmann, column 3, lines 40 to 59.

Regarding claim 25, Gauselmann discloses that the first symbol display device displays the temporary jackpot value and the second symbol display device displays the temporary jackpot value (i.e., all game machines display the temporary jackpot value on the display in the lower left hand corner of the top box as shown in Fig. 1). The first and second control units perform an automatic recognition for determining which control unit assumes a master function and which control unit assumes a slave function (col. 6, line 63 - col. 7, line 20). A jackpot pre-release value is set and the jackpot is frozen upon reaching of the jackpot pre-release value (col. 8, lines 6-20). A jackpot payout game is started at the first control unit and at the second control unit (col. 8, lines 30-40).

Claim 25 requires the following step:

“wherein a jackpot payout game is started at the first control unit and at the second control unit.”

The reference Gauselmann, column 8, lines 30 to 40 refers to a so-called qualification time, but not to starting a jackpot payout game at the first control unit and at the second control unit.

Regarding claim 26, Gauselmann discloses all automats contain a symbol display device as well as a microprocessor (col. 6).

Applicant relies for patentability on claim 24 from which claim 26 is dependent.

Regarding claim 29, Gauselmann discloses delivering a percentage of each game stake to a jackpot, determining a reaching or surpassing of a jackpot release value; activating a special jackpot game sequence upon reaching or surpassing of the jackpot release value, which jackpot game sequence is the same at each used networked entertainment automat; giving to each player of each used networked entertainment automat the possibility to achieve a predetermined result within a predetermined time period, wherein the player has to reach a winning symbol combination predetermined by the entertainment automat after an arbitrary number of games during the predetermined time period (col. 8, lines 6-40).

Applicant relies for patentability on claim 27, on which claim 29 is dependent.

Regarding claim 33-46, Gauselmann substantially discloses the invention as claimed. In the primary embodiment, Gauselmann discloses the primary game to

consist of evaluating horse race contestants. However, Walker discloses the draw poker gaming machine embodiment, as described above, wherein a player's hand of cards is evaluated for pre-determined winning outcomes, including a royal flush.

Claim 33 refers to the following features:
"determining if a key is depressed (40) in case it was determined that the game time had not been ended;", "returning process to determining if the

game time is ended (30) in case it is determined that no key was depressed;”, ”randomly drawing a card not yet held (43) if it is determined (40) that the hand out key (41) was depressed;”, and ”returning process to randomly drawing all cards (38) of the active entertainment automat in case a Royal Flush (45) has been reached; and returning process to determining if the game time is ended (30) in case no Royal Flush (45) has been reached.”.

Applicant respectfully submits that these steps of claim 33 are clearly outside the scope of the references Gauselmann and/or Walker et al.

Claim 34 requires the following clauses:

“activating a game time (37) of the active entertainment automat if it is determined that a special symbol combination (49) has been reached; randomly drawing all cards (38) of the active entertainment automat;”.

These steps are neither anticipated nor rendered obvious by the references Gauselmann and/or Walker et al.

Claim 35 requires that the following steps be performed;

“returning process to randomly drawing all cards (38) of the active entertainment automat in case a Royal Flush (45) has been reached;”, and

”returning process to determining if the game time is ended (30) in case no Royal Flush (45) has been reached.”

These features of claim 35 define the present invention over the references Gauselmann and/or Walker et al.

Claim 36 recites the following feature:

“randomly drawing all cards (38) of the active entertainment automat;”. This feature of claim 36 clearly distinguishes over the references Gauselmann and/or Walker et al.

Claim 37 requires the following steps:

“returning process to randomly drawing all cards (38) of the active entertainment automat in case a Royal Flush (45) has been reached;”, and “returning process to determining if the game time is ended (30) in case no Royal Flush (45) has been reached.”

Applicant respectfully submits that these steps of claim 37 patentably distinguish over the references Gauselmann and/or Walker et al.

Claim 38 requires the following features:

“returning process to inserting payment (36) if it is determined that no jackpot amount has surpassed the jackpot release value (52);“, and ”determining if a game time has ended (39) at the slave entertainment automat;”.

Applicant respectfully urges that these features patentably distinguish claim 38 over the references Gauselmann and/or Walker et al.

Claim 39 recites the following steps:

“determining if a key is depressed (40) in case it was determined that the game time had not been ended;”, ”actualizing an intermediate state (44);”, and ”determining if a Royal Flush (45) has been reached;”.

It is respectfully submitted that these three steps appear to define the present invention over the references Gauselmann and/or Walker et al.

Claim 40 sets forth the following steps:

“returning process to inserting payment (36) if it is determined that no jackpot distribution game has been started (59);“, and ”randomly drawing all cards (38) of the active entertainment automat;”.

It is urged that the two steps recited of claim 40 differ from the teaching of the references Gauselmann and/or Walker et al.

Claim 41 reads the following steps:

“determining if a Royal Flush (45) has been reached;”, and ”returning process to randomly drawing all cards (38) of the active entertainment automat in case a Royal Flush (45) has been reached;”.

It is respectfully submitted that the steps recited in claim 41 patentably distinguish over the references Gauselmann and/or Walker et al.

Claim 42 requires the following step:

“determining if a predetermined number (x) of games have been performed if it is determined that the jackpot amount has surpassed the jackpot release value (52);”.

This step distinguishes the present invention as expressed in claim 42 from the references Gauselmann and/or Walker et al.

Claim 43 requires the following feature:

“starting the slave entertainment automat with the jackpot game (63) if it is determined that a predetermined number (x) of games have been performed;”.

This feature of claim 43 is neither suggested or taught by the references Gauselmann and/or Walker et al.

Claim 44 requires the following step:

“determining if a predetermined number (x) of games have been performed if it is determined that the jackpot amount has surpassed the jackpot release value (52);”.

This step of claim 44 is neither part of the reference Gauselmann nor of the reference Walker et al..

Claim 45 requires the following features:

“activating a game time (65) by the master entertainment automat if it is determined that a predetermined number (x) of games have been performed;”, “randomly drawing all cards (66) of the active entertainment automat;”, “determining if a key is depressed (40);”, “returning process to determining if the key is depressed (40) in case it is determined that no key was depressed;”.

It is respectfully urged that the four features recited of claim 45 clearly distinguish over the references Gauselmann and/or Walker et al.

Claim 46 contains the following clauses:

“furnishing a winning value to each networked entertainment automat participating in the supplemental game , wherein the winning value

corresponds to the achievements of the player during the supplemental game;”, and ”assigning the winning value based on the filling level of the jackpot and the ranking position of the obtained game result at the end of the supplemental game.”.

These clauses in particular distinguish the present invention as set forth in claim 46 from the references Gauselmann and/or Walker et al.

Regarding claim 47-50, in addition to the invention as described above, Gauselmann discloses a third entertainment automat (Fig. 1) wherein one of the entertainment automats assumes a master function, one of the entertainment automats assumes a first slave function, and one of the entertainment automats assumes a second slave function (col. 7, lines 15-19). All of the entertainment automats contain the hardware disclosed in col. 3, lines 40-58 and Fig. 2. The method of operation of the plurality of networked entertainment apparatuses is identical regardless of the number of machines associated with the network. That is, the draw poker game and progressive bonus game will be played in the same manner among any number of gaming devices that may be connected to the network..

Claim 47 is predestined for amendment by narrowing language.

Claim 48 contains the phrase as follows:

“collecting data relating to the games performed at the entertainment automats in the entertainment automat performing the master function;”

This phrase is deemed to distinguish claim 48 from the references Gauselmann and/or Walker et al.

Claim 49 contains the following clauses:

“a third winning value recognition program,”, and “a third winning plan program;”.

These step clauses of claim 49 are outside of the scope of the references Gauselmann and Walker et al.

Claim 50 depends on claim 49. The patentability of claim 50 is deemed to presently depend on the patentability of claim 49.

Regarding claims 51,52, in addition to the invention described above, Gauselmann discloses that if the automat performing the master function experiences a failure, a slave will automatically assume the master function (col. 7, lines 25-29).

Claim 51 requires the feature as follows:

“automatically assuming the master function by the slave.”

Claim 51 requires that the slave automatically assumes the master function. According to the reference Gauselmann, column 7, lines 25 to 29

each slave can assume the master function in case of a malfunction of the master. However there is nothing automatically in column 7. Thus claim 51 distinguishes by automatic assumption of the master function from the reference Gauselmann.

Claim 52 reads the following limitations:

“experiencing a failure of the entertainment automat performing the master function;”, and ”automatically assuming the master function by one of the entertainment automats performing the slave function.”.

The situation is here similar as with claim 51. Claim 52 requires automatic assumption of the function of a master, whereas an undefined assumption is taught in column 7 of the reference Gauselmann.

Regarding claim 54, in addition to the invention as described above, Gaulseman discloses furnishing a first control circuit to the first entertainment automat and having a first communications board and a first microcomputer with a first serial interface; furnishing a second control circuit to the second entertainment automat and having a second communications board and a second microcomputer with a second serial interface; wherein the first entertainment automat assumes the master function;

controlling a display means of a jackpot and a data exchange and data balancing of the entertainment automat disposed in the communications network by the first communications board; a first connection running from the first communications board to the first serial interface; a second connection running from the second communications board to the second serial interface (col. 6).

Claim 54 contains language requiring the performance of data balancing as follows:

“wherein the first entertainment automat assumes the master function; controlling a display means (21) of a jackpot and a data exchange and data balancing of the entertainment automat (1) disposed in the communications network by the first communications board (20);”.

The Office Action points to the Gauselmann reference in column 6. However, data balancing was not found in column 6. Thus claim 54 is neither anticipated nor rendered obvious by the reference Gauselmann.

Regarding claims 55,61 Gauselmann discloses an RS-232 serial interface (col. 6, lines 32-33).

Claim 55 depends on claim 54 and the patentability of claim 55 depends on the patentability of claim 54.

Claim 61 depends on claim 60 and the patentability of claim 61 also depends on the patentability of claim 60..

Regarding claim 56, in addition to the invention as described above, Gauselmann discloses furnishing the first communications board with a first self-contained central processing unit and with a third serial interface disposed on the side of the first central processing unit; furnishing the second communications board with a second self-contained central processing unit and with a fourth serial interface disposed on the side of the second central processing unit; coordinating to the first central processing unit first fixed value memory storage and a first battery buffered operating data storage; coordinating to the second central processing unit a second fixed value memory storage and a second battery buffered operating data storage; furnishing a first connection between the first central processing unit, first memory components and a first serial communications controller with first serial ports by way of a first address decoder and a first I/O decoder and a first bus; furnishing a second connection between the second central processing unit, second memory components and a second serial communications controller with second serial ports by way of a second address decoder and a second I/O decoder and a second bus; connecting a first serial port of the first communications controller under connection of a first power amplifier to the first display means formed as a first large display field, with which a temporary jackpot stand is displayed; connecting an external micro-computer to an interface of the first communications controller; furnishing an interface adapter connected at a serial interface of the first communications controller,

wherein the interface adapter comprises essentially an optical coupler for galvanic separation and a power stage disposed successively to the optical coupler; connecting the network cabling is connected to the power stage (col. 6).

“a first battery buffered operating data storage (25); “, “furnishing a first connection between the first central processing unit (22), first memory components (24, 25) and a first serial communications controller (28) with first serial ports by way of a first address decoder 26 and a first I/O decoder 27 and a first bus;”, and ”connecting an external micro-computer to an interface (31) of the first communications controller (28);”.

No external micro-computer is employed according to the reference Gauselmann in column 6.

Regarding claims 57,64 in addition to the invention as described above, Gauselmann discloses setting a first and second individual address number through a rotary switch (col. 6, lines 65-67).

Claim 57 is submitted to be patentable as a dependent claim based on the patentability of the claim on which claim 57 depends.

Claim 64 of the present application requires the following:

“wherein an automatic recognition is performed determining whether the first entertainment automat (1) performs a master function or a slave function after switching on of the entertainment automat (1). ”

Applicant urges that the reference Gauselmann in column 6, lines 65 to 67 fails to teach performing an automatic recognition with respect to the function of the first entertainment automat.

Regarding claims 58,59,65-67 Gauselmann discloses switching on the entertainment automats, performing an automatic recognition as to which entertainment automat assumes a master function or a slave function, having the automats wait for a predetermined time period for a recognition signal of the master, if said signal does not appear, sending a master function assumption signal by the first communications board after a second predetermined time period, sending the master function assumption signal from the first entertainment automat with a lowest address number, confirming a receipt of this signal by the second communications board, in col. 6, line 62 - col. 7, line 57).

Claim 58 of the present application requires the following steps;
“actualizing data by the master calls from the individual slave;”, and
”accumulating a total sum and delivering the data back to the slave through the communications network every third predetermined time period times an

entertainment automat number in the communications network such that each communications board (20) contains the same data contents;”

The reference Gauselmann in column 6 line 62 to column 7, line 57 does not teach the steps of actualization and accumulation set forth in claim 58 of the present application.

Claim 59 of this application depends on claim 54 and if claim 54 will be found patentable, so will claim 59.

Claim 65 depends on claim 24 and will also depend on claim 24 for patentability.

Claim 66 of this application reads as follows:

“a master with a higher address number will deactivate and perform a slave function in case more than one master should respond after turning on of a first entertainment automats (1) and after turning on a second entertainment automat (1) and in case one master received a master signal of another master.”

Thus according to claim 66 “a master with a higher address number will deactivate and perform a slave function”. In clear contrast, the Gauselmann reference in column 7, lines 41 and 42 teaches that “the master

with the lowest address number will deactivate and will perform the slave function". Therefore, the reference Gauselmann teaches that the master with the lowest address number be deactivated, while in contrast claim 66 requires that a master with a higher address number will deactivate.

Claim 67 of this application depends on claim 24 and if claim 24 will be found patentable, so will be claim 67.

Regarding claim 63, Gauselmann discloses an external computer, an interface adapter comprising an optical coupler for galvanic separation and a first power stage disposed successively to the optical coupler, and network cabled connected to the power stage (col. 6, lines 52-61).

Claim 63 of this application depends on claim 24 and if claim 24 will be found patentable, so will be claim 63.

Regarding claim 68, Gauselmann discloses an external computer performing a configuration as to what percentage of a game stake case is to be delivered to the jackpot through an interface (col. 7, lines 50-55).

Claim 68 of this application depends on claim 24 and if claim 24 will be found patentable, so will be claim 68.

Regarding claim 71, in addition to the invention described above, Gauselmann discloses determining which winning value is coordinated to which winning combination, determining the coin actuated entertainment automat, which has reached a highest winning value within the time window predetermined in the supplemental game mode, coordinating the highest winning value to that coin actuating automat, and paying out the common jackpot for each played coin actuated entertainment automat depending on a respective winning value (description of rank and sequence jackpot payout, col. 2, lines 37-52).

Claim 71 of this application requires the following features;

“controlling the course of the supplemental game of each played coin actuated entertainment automat with a corresponding control unit;”, and “renewing the symbols and holding winning symbol combination within a predetermined time window of the supplemental game until the winning carrying symbol combination is reached; “, and “accumulating the obtained winning in the credit balance counter for each played coin actuated entertainment automats;”, and “determining which winning value is coordinated to which winning combination;”.

These features of claim 71 are not found in the reference Gauselmann, column 2, lines 37 to 52.

Claim 70 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (WO 97/49073), Walker et al. (US 6,248,016 B1), and further in view of Johnson et al. (US 7,008,324 B1).

Gauselmann/Walker substantially disclose the invention as described above, that is, the combination of Gauselmann/Walker teaches of a draw poker gaming apparatus that is connected to a network, wherein all of the gaming apparatuses on said network contribute to and are eligible for participation in a progressive bonus upon occurrence of a pre-defined triggering event. Gauselmann/Walker do not specifically disclose determining a winning value depending on the number of times the winning symbol combination was reached during the allotted time window. Instead, Gauselman discloses an embodiment wherein obtaining a the bonus payout is a result of a comparison between a predicted game outcome and an actual game outcome (col. 3, lines 25-34), wherein the triggering event comprises obtaining a pre-determined winning combination within a predetermined time period (col. 2, lines 23-59). However, in an analogous invention, Johnson discloses that a bonus may be awarded upon a number of predetermined outcomes achieved in a predetermined amount of time (col. 7, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the networked draw poker gaming apparatus taught by Gauselmann/Walker with the bonus award scheme of Johnson et al. as the inventions are analogous slot machine gaming devices featuring bonus awards in the player entertainment field of endeavor. Motivation to provide this

additional bonus award method can be found in Gauselmann, col. 5, lines 35-36, wherein Gauselmann discloses the networked system exhibiting "different gambling systems", which contemplates various games and award schemes. Further, Gauselmann discloses that "other types of methods for determining jackpot winnings differing from the types described above" are contemplated in col. 10, lines 15-19.

Claim 70 of the present application requires the following steps:

"awaiting during the time window an unlimited number of activations of circulating bodies of the game automat resulting in a predetermined winning symbol combination;"; "counting the number of winning symbol combinations reached during the time window;"; and "determining a winning value depending on the number of times the winning symbol combination was reached during then time window."

These steps are clearly outside of the teaching of the Johnson et al. reference.

Reconsideration of all outstanding rejections is respectfully requested.

Entry of the present amendment is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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